

1 THEODORE J. BOUTROUS JR., SBN 132099
2 tboutrous@gibsondunn.com
3 GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
3 Los Angeles, California 90071-1512
4 Telephone: 213.229.7000
Facsimile: 213.229.7520

5 ETHAN D. DETTMER, SBN 196046
6 edettmer@gibsondunn.com
7 GIBSON, DUNN & CRUTCHER LLP
555 Mission Street
8 San Francisco, California 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

9 Attorneys for Respondent
10 CHEVRON CORPORATION

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13
14 *In re* Application of:
15 THE REPUBLIC OF ECUADOR,
16
17 Applicant,

18 For the Issuance of a Subpoena for the
19 Taking of a Deposition and the Production
of Documents in a Foreign Proceeding
Pursuant to 28 U.S.C. § 1782

Case No. CV 10-80225 MISC CRB
(And All Related Cases)

20 CHEVRON CORPORATION,

21 Plaintiff,

22 v.

23 STEVEN DONZIGER, *et al.*,

24 Defendant.

Case No. CV 12-80237 MISC EJD

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

[Civ. L. R. 3-12]

26 A motion to quash certain subpoenas issued by Chevron Corporation (“Chevron”) was filed in
27 this Court on Friday, October 5, 2012, as Case No. CV 12-80237 MISC (hereinafter, the “Motion to
28 Quash”). Pursuant to Civil Local Rule 3-12, Chevron hereby identifies the following actions in this

1 Court which concern substantially the same parties, property, transaction, or events as the Motion to
 2 Quash:

- 3 (1) *In re Application of Republic of Ecuador*, CV 10-80225 MISC CRB (“ROE Borja
 1782”);
- 4 (2) *In re Application of Daniel Carlos Lusitand Yaiguaje*, CV 10-80324 MISC CRB
 (“Yaiguaje Borja 1782”);
- 5 (3) *In re Application of Daniel Carlos Lusitand Yaiguaje*, CV 11-80087 MISC CRB
 (“Yaiguaje Mason 1782”);
- 6 (4) *In re Application of Dr. Diego García Carrión, the Attorney General of the Republic
 of Ecuador, and the Republic of Ecuador*, CV 11-80110 MISC CRB (“ROE Mason
 1782”);
- 7 (5) *In re Application of Dr. Diego García Carrión, the Attorney General of the Republic
 of Ecuador, and the Republic of Ecuador*, CV 11-80171 MISC CRB (“ROE Kelsh
 1782”);
- 8 (6) *In re Application of Dr. Diego García Carrión, the Attorney General of the Republic
 of Ecuador, and the Republic of Ecuador*, CV 11-80172 MISC CRB (“ROE Exponent,
 Inc. 1782”);
- 9 (7) *Chevron Corporation v. Salazar*, CV 11-80217 MISC CRB (“Chevron Parker Motion
 to Compel”); and
- 10 (8) *Chevron Corporation v. Salazar*, CV 11-80219 MISC CRB (“Chevron Motion for
 Protective Order”).

16 The Motion to Quash was filed by certain defendants in *Chevron Corporation v. Steven*
 17 *Donziger, et al.*, No. 11 Civ. 0691 (S.D.N.Y.) (“the RICO action”), and it seeks to quash third-party
 18 subpoenas issued by Chevron in connection with that action. The RICO action seeks damages
 19 resulting from the corruption of litigation filed by the RICO Defendants in Lago Agrio, Ecuador, and
 20 related acts of extortion and fraud by a conspiracy of U.S. and Ecuadorian lawyers, funders, and
 21 affiliates.

22 The eight related actions involve discovery sought pursuant to 28 U.S.C. § 1782 for use in the
 23 Lago Agrio litigation and in an international arbitration brought by Chevron against the Republic of
 24 Ecuador. Like the RICO action, the eight related actions are based on a single set of operative facts
 25 and the same allegations of fraud and corruption regarding the Lago Agrio litigation. On July 28,
 26 2011, Judge Breyer signed an order relating six § 1782 actions, including two actions initially
 27 assigned to Judge Illston. No. CV 10-80225 MISC CRB, Docket No. 169. In September 2011,
 28

1 Judge Breyer related two additional discovery motions initially assigned to Judge White (nos. 7 and 8
 2 above) to the § 1782 actions. *See id.*, Docket Nos. 177, 180.¹

3 It is likely that there will be an unduly burdensome duplication of labor and expense or the
 4 risk of conflicting results if the Motion to Quash and the § 1782 actions are conducted before
 5 different Judges. *See Civ. L. R. 3-12(a)*. The Lago Agrio litigation and the allegations of fraud,
 6 extortion, and racketeering regarding that litigation underlie each of the related cases and the RICO
 7 action, and the parties who filed the Motion to Quash in the RICO action also filed two of the related
 8 cases. Resolving the Motion to Quash will require an understanding of the Lago Agrio litigation, the
 9 allegations of fraud, and the evidence adduced by Chevron to date, all of which were discussed as
 10 part of the related cases. Therefore, relating this matter before Judge Breyer, who already is familiar
 11 with many of the operative facts, will conserve judicial and party resources and expedite the
 12 proceedings.

13 Pursuant to Civil Local Rules 3-12 and 7-11, Chevron contacted the RICO Defendants to ask
 14 if they would stipulate to relate the Motion to Quash to the § 1782 cases before Judge Breyer. RICO
 15 Defendants refused to so stipulate. *See Declaration of Ethan D. Dettmer*, filed concurrently herewith.
 16

17 Dated: October 9, 2012

Respectfully submitted,

18 GIBSON, DUNN & CRUTCHER LLP

19 /s/ Ethan D. Dettmer

20 By: _____
 21 Ethan D. Dettmer

22 Attorneys for Respondent
 23 CHEVRON CORPORATION

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25 ¹ Chevron further notes that each of the following actions “was pending in this District” (*see Civ.*
 26 *L. R. 3-12(b)*) but is no longer active: *Luisa Gonzalez, et al. v. Texaco, Inc, et al.*, No. CV 06-
 27 02820 WHA; *Chevron Corp. v. Christobal Bonifaz*, No. CV 09-5371 CW. These actions arose
 28 out of allegations similar to those at issue in the Lago Agrio Litigation and involved an attorney
 previously involved in the Lago Agrio Litigation; however, they concerned unique facts and legal
 issues, and the Court did not relate the later discovery actions to them.